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Paper No. 9

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

09/09/02

005/1/02

In re Application of :
Qu et al. :
Application No. 09/928,883 : DECISION GRANTING
Filed: 13 August, 2001 : PETITION
Attorney Docket No. 458172000300 :

This is a decision on the petition filed on 27 September, 2002, requesting that the "Notice to File Corrected Application Papers" mailed on 31 July, 2002, in the above-identified application be vacated to the extent that it states that Figure 23A described in the specification appeared to have been omitted from the application.

The application was filed on 13 August, 2001. However, on 31 July, 2002, the Office mailed a "Notice to File Corrected Application Papers" stating that the application had been accorded a filing date of 13 August, 2001, and advising applicants that, *inter alia*, Figure 23A described in the specification appeared to have been omitted from the application.

In response, the present petition was filed, accompanied by a petition fee of \$130.00. Petitioners assert that Figure 23A was not missing from the application as filed on 13 August, 2001.

Upon a review of the application file, one (1) sheet of drawings containing Figure 23A of the drawings has been located among the application papers filed on 13 August, 2001. Therefore, Figure 23A does not appear to have been omitted from the application papers filed on 13 August, 2001.

The petition is **granted**. The "Notice" is vacated to the extent that it stated that Figure 23A appeared to have been omitted.

The petition fee of \$130.00 will be refunded to counsel's deposit account, No. 08-0750 as authorized in the present petition.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 13 August, 2001, using the application papers filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT & TRADEMARK OFFICE
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REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>10/23/02</u>		2 Serial/Patent # <u>09/126883</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
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<u>122</u>	Petition	<u>8</u>	<u>9-27-02</u>	<u>\$ 130 -</u>							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
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10 REASON:		Treasury Check									
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<u>X</u>	No Fee Due (Explanation):										
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